

**CALENDAR ITEM
C57**

A	8, 15	06/23/11
S	5, 14	WP 5914.9 N. Lavoie

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Phillip Michael Sherry and Betty Jane Sherry

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Steamboat Slough, adjacent to 13980 Grand Island Road, near the city of Walnut Grove, Sacramento County

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, walkway, five pilings, and bank protection as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning October 30, 2010.

CONSIDERATION:

Uncovered floating boat dock, walkway, and five pilings: No monetary consideration pursuant to Public Resources Code section 6503.5.

Bank protection: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Combined single limit coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On September 19, 2000, the Commission authorized a General Lease – Recreational and Protective Structure Use to Phillip Michael Sherry and Betty Jane Sherry. That lease expired on October 29, 2010. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

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3. The Applicants qualify for rent-free use of the uncovered floating boat dock, walkway, and five pilings because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of Steamboat Slough will have additional protection from wave action at no cost to the public.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Phillip Michael Sherry and Betty Jane Sherry beginning October 30, 2010, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, walkway, five pilings, and bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing uncovered floating boat dock, walkway, and five pilings: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the bank protection: the public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance in the amount of no less than \$1,000,000.